

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

NOTICE OF MOTION NO. 1192 OF 2005

WITH

INCOME TAX APPEAL (LODG) NO. 509 OF 2005

The Commissioner of Income Tax Appellant

Vs.

Shri Suryakant D. Nisser Respondent

Mrs. P.P. Bhosale & Mr.B.M. Chatterji for
Appellant.

**CORAM : F.I. REBELLO, &
J.P. DEVADHAR, JJ.**

DATE : 14TH AUGUST, 2007

P.C.

. As the tax incidence is less than Rs. 4 Lakhs, the learned counsel seeks leave to withdraw the motion as also the appeal. Appeal along with Motion stand dismissed as withdrawn. The question of law, if any, is kept open for consideration in an appropriate proceeding. Refund of court fees as per rules. Certified copy expedited.

(J.P. DEVADHAR, J.)

(F.I. REBELLO, J.)